

COUNTY OF HARRISON

CAUSE NO. 31D01-0806-GO-013
31C01-0806-MI-059

FROM THE SCHEDULE FOR ADOPTING LOCAL COURT RULE

The Judges of Harrison County Indiana, according to T.R. 81(D), find that good cause exists to deviate from the schedule established for the adoption or amendment of local court rules for the amendment proposed in the attached updated local court rule LR31-CR00-22. The reason for the deviation is to comply with the HEA No. 1276 (I.C. 35-33-8-3.5), and modify terms and conditions of bond. The Harrison County Courts now submit the attached amended Local Rule for comment by the bar and the public. This rule does not require the approval of the Indiana Supreme Court.

Comments may be submitted to: The Honorable Roger D. Davis, Judge of Harrison Superior Court at 1445 Gardner Lane, Suite 3018, Corydon, IN 47112, or The Honorable H. Lloyd Whitis, Judge of the Harrison Circuit Court at 300 North Capitol Avenue, Corydon, IN 47112.

Comments may be made for thirty (30) days after posting pursuant to Trial Rule 81(B).

The proposed revision to the Harrison County Local Court Rule LR31-CR00-22, Bond Schedule and Rules, shall take effect after having been posted for comments as indicated above.

SO ORDERED THIS 5th DAY OF JUNE, 2008.

ROGER D. DAVIS, JUDGE, HARRISON SUPERIOR COURT

H. LLOYD WHITIS, JUDGE, HARRISON CIRCUIT COURT

LR31-CR00-22

BOND SCHEDULE AND RULES

<u>OFFENSE</u>	<u>BOND</u>	
	<u>Indiana</u>	<u>Non-Residents</u>
Public Intoxication	Own Recognizance	\$500 cash, or surety; 20% cash deposit
Class “C” Misdemeanors except Operating While Intoxicated and purchasing more than 3 grams of Pseudoephedrine and/or Ephedrine within one week	\$500 cash, or surety; 20% cash deposit	\$500 cash, or surety; 40% cash deposit
Class “B” Misdemeanors except Public Intoxication	\$750 cash, or surety; 20% cash	\$750 cash, or surety, 40% cash
Class “A” Misdemeanors, except Operating While Intoxicated, Marijuana and Title 9	\$1,000 cash, or surety; 20% cash deposit	\$1,000 cash, or surety, 40% cash deposit
Class “D” Felonies, except <u>Child Molesting, Child Solicitation, Sex or Violent Offender,</u> Title 9, controlled substance, Marijuana, Methamphetamine, Chemical Reagents or Precursors, Dumping Controlled Substance Waste, Possession of Anhydrous Ammonia With Intent to Manufacture, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine, and/or Phenylpropanolomine	\$4,000 cash, or surety; 20% cash deposit	\$4,000 cash, or surety; 40% cash deposit
Class “C” Felonies	\$10,000 cash or surety	\$20,000 cash or surety

except , Child Molesting, Child Solicitation, Sex or Violent Offender,

those involving the operation of a motor vehicle, controlled substances, Meth, Possession of Two or More Chemical Reagents or Precursors, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine, and/or Phenylpropanolamine, Possession of Anhydrous Ammonia With Intent to Manufacture

Class “B” Felonies

\$20,000 cash or surety

\$40,000 cash or surety

except Child Molesting, Child Solicitation, Sex or Violent Offender,

those involving the operation of a motor vehicle, controlled substances, and Methamphetamine

Class “A” Felonies, except Child Molesting, Child Solicitation, Sex or Violent Offender,

\$50,000 cash or surety

\$100,000 cash or surety

Attempted Murder, controlled substances, and Methamphetamine

Operating While Intoxicated, Class “A” and Class “C” Misdemeanors, Marijuana as a Class “A” Misdemeanor, and all Title 9 Class “A” Misdemeanors

\$500 full cash only
(No property, surety or 20% cash deposit)

\$500 full cash only
(No property, surety or % cash deposit)

Title 9, Operating While Intoxicated, and Marijuana Class “D” Felonies

\$800 full cash only
(No property, surety or 20% cash deposit)

\$800 full cash only
(No property, surety or % cash deposit)

Class “C” Felonies involving the operation of

\$5,000 full cash only

\$5,000 full cash only

a motor vehicle

**Class “B” Felonies
involving the operation of
a motor vehicle**

\$10,000 full cash only

\$10,000 full cash only

Marijuana Class “C” Felonies

\$5,000 full cash only
(No property, surety
or 20% cash deposit)

\$10,000 full cash only
(No property, surety
or % cash deposit)

**Controlled Substance
Class “D” Felonies
except Methamphetamine
and Methamphetamine
related offenses**

\$2,500 full cash only
(No property, surety
or 20% cash deposit)

\$2,500 full cash only
(No property, surety
or % cash deposit)

**Controlled Substance
Class “C” Felonies
except Methamphetamine
and Methamphetamine
related offenses**

\$5,000 full cash only
(No property, surety
or 20% cash deposit)

\$5,000 full cash only
(No property, surety
or % cash deposit)

**Controlled Substance
Class “B” Felonies except
Methamphetamine**

\$10,000 full cash only
(No property, surety
or 20% cash deposit)

\$10,000 full cash only
(No property, surety
0% cash deposit)

**Controlled Substance
Class “A” Felonies
except Methamphetamine**

\$25,000 full cash only
(No property, surety
or 20% cash deposit)

\$25,000 full cash only
(No property, surety
or % cash deposit)

**Class “C” Misdemeanor
Purchasing More Than 3
grams of Pseudoephedrine
and/or Ephedrine within
one week**

\$500.00 full cash only
(No property, surety
or % cash deposit)

\$500.00 full cash only
(No property, surety
or % cash deposit)

**Class “D” Felonies,
Methamphetamine, Possession
of Two or More Chemical Reagents
or Precursors With Intent to**

\$5,000 full cash only
(No property, surety or
20% cash deposit)

\$5,000 full cash only
(No property, surety or
% cash deposit)

Manufacture, **Dumping** Controlled Substance Waste, Possession of **More Than 10 Grams** of Pseudoephedrine, Ephedrine and/or Phenylpropanolamine, Possession of **Anhydrous** Ammonia With Intent to Manufacture

Class “C” Felonies,	\$10,000 full cash only	\$10,000 full cash only
Methamphetamine , Possession of Two or More Chemical Reagents or Precursors With Intent to Manufacture, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine and/or Phenylpropanolamine, Possession of Anhydrous Ammonia With Intent to Manufacture	(No property, surety or 20% cash deposit)	(No property, surety or % cash deposit)

Class “B” Felony Methamphetamine	\$20,000 full cash only (No property, surety or 20% cash deposit)	\$20,000 full cash only (No property, surety or % cash deposit)
-----------------------------------------	-----------------------------------------------------------------------------	---------------------------------------------------------------------------

Class “A” Felony Methamphetamine	\$50,000 full cash only (No property, surety or 20% cash deposit)	\$50,000 full cash only (No property, surety or % cash deposit)
-----------------------------------------	-----------------------------------------------------------------------------	---------------------------------------------------------------------------

Illegal Aliens	No Bond for three (3) working days unless INS notifies jail sooner of No Hold
-----------------------	--------------------------------------------------------------------------------------

Murder, Attempted Murder, <u>Child Molesting, Child Solicitation, Sex or Violent Offender,</u> True Identity of Person Unknown, and Fugitives from another state	No Bond until set by Court after hearing
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------

Property bonds may only be posted if authorized by the Court.

Any person arrested for a **new criminal charge** who has **been arrested** for a **criminal charge within one (1) year of the date of the new arrest** shall be **required** to post a **bond** in amount equal to **twice (double)** the **amount** that would **otherwise** be **required** to be posted.

Any person arrested for a **new criminal charge** who is **on parole** or **on probation** for a

felony offense shall be **held without bond for fifteen (15) days** or until brought before the Court. At the expiration of the fifteen (15) day **hold** the bond shall be **twice (double)** the **amount** that would **otherwise** be **required** if the defendant was not on parole or probation for a felony offense.

As a condition of bond, all persons, defendants and/or bondmakers posting cash bonds are to be notified that bond will be receipted in the name of the Defendant and may be subject to payment to the Clerk of the Court for fines, Court costs, probation user fees, pre-trial diversion fees, alcohol-drug program fees, alcohol and drug countermeasure fees, drug interdiction fees, restitution, public defender fees or any other assessment pursuant to I.C. 35-33, before any balance will be released to the Defendant or bondmaker. The Sheriff is directed to notify each person posting bond of this Order of the Court. Bondmaker shall pay a **\$5.00 fee on each bond** for the special death benefit fund as required by law.

Due to the Sheriff's inability to bond all persons that handle cash bonds, the Sheriff of Harrison County, in his discretion, may require all "full cash" bonds to be posted using certified check or money order.

Any person arrested for **Battery, Criminal Recklessness, Sex Crimes (I.C. 35-42-4), Kidnapping, Criminal Confinement, Robbery, Car Jacking, Arson, Residential Burglary, Residential Entry, Stalking, Criminal Gang Intimidation, Harassment, Intimidation, Invasion of Privacy**, and when an individual is charged with **attempt, conspiracy, or aiding and abetting** in any of the above listed types of offenses, **shall not be permitted to post any bond for 24 hours** or until the person is brought before the Court, whichever comes first.

Illegal Aliens shall be **held without bond** until further order of the Court or the expiration of **three (3) working days** (Holidays and weekends do not count) **after arrest** or until notice by INS of No Hold, which ever comes first. Unless the Court orders otherwise, the defendant's bond shall be in accordance with this **bond schedule after** the expiration of **three (3) working days from** the time of **arrest** or notification from INS that there will be **no hold**. The purpose of this order concerning illegal aliens is to allow the Homeland Security/ Immigration and Naturalization Service (INS) adequate time to investigate and determine whether the INS wishes to detain the defendant for prosecution and/or deportation.

If the true identify of a person is unknown s(he) shall be held until further order of the Court.

All persons arrested for **Driving While Intoxicated, Driving with a B.A.C. of .08 or greater, Minor Consuming or Public Intoxication** shall not be released from custody until a sufficient number of hours have elapsed to permit the alcohol to disperse from the body. The following is the **MINIMUM** number of hours of custody:

<u>B.A.C. HOURS</u>		<u>B.A.C. HOURS</u>		<u>B.A.C. HOURS</u>	
.075	5	.150	10	.225	15
.090	6	.165	11	.240	16
.105	7	.180	12	.255	17

.120	8	.195	13	.270	18
.135	9	.210	14	.285	19
				.300	20
				REFUSAL	24

All persons arrested for **Public Intoxication or Minor Consuming** **WILL** be held in **custody** until a sufficient number of hours have elapsed to permit alcohol to disperse from the body according to a **B.A.C. test (not P.B.T.)** If the defendant **fails, refuses, or declines a B.A.C.** then (s)he shall be **held for Twenty-four (24) hours**.

All persons over 18 years of age charged with **Minor Consuming** may be held in custody for a **MINIMUM OF TWENTY-FOUR (24) HOURS** unless they voluntarily submit to a B.A.C. test. If they submit to a B.A.C. test they may bond out after the burn off time set forth herein. The police, Sheriff, and Corrections personnel are not required to provide a B.A.C. test.

All persons arrested on any charge(s) who are **under the influence of and are impaired by marijuana or any illegal drug** shall be held in custody for **Twenty-four (24) hours**.

The Jailer or Bondmaker is **DIRECTED** to obtain an address and telephone number of the Defendant on the bond.

There shall be no initial bond on persons arrested for being fugitive from another state unless the Court sets a bond in such instances.

NO individual, who is arrested, may be released on his or her **OWN RECOGNIZANCE** without the authority of the Judge of the Circuit or Superior Court except as set forth herein. **Bonds or any Bench Warrants** may **NOT** be **changed** except by the Judge of the Circuit or Superior Court. Any of the above provisions can be altered (increased or decreased) by the Judge of the Circuit or Superior Court.

All persons making bond shall complete and sign Terms and Conditions of Bond and shall be subject to the terms and conditions of bond as set forth in Exhibit "A" attached hereto. The defendant shall be given a return date no longer than forty-five (45) days after being released from jail unless the Court has set a different date.

Sex or Violent Offender means a person who is arrested for or charged with the **commission of an offense that would classify the person as a sex or violent offender (as defined in IC 11-8-8-5).** IC 11-8-8-5 defines a sex or violent offender as a person convicted of any of the following offenses:

1. Rape

2. Criminal deviate conduct
3. Child molesting
4. Child exploitation
5. Vicarious sexual gratification
6. Child solicitation
7. Child seduction
8. Sexual misconduct with a minor as a Class A, Class B, or Class C Felony
9. Incest
10. Sexual battery
11. Kidnapping
12. Criminal confinement
13. Possession of child pornography
14. Promoting prostitution
15. Promotion of human trafficking
16. Sexual trafficking of a minor
17. Human trafficking
18. Murder
19. Voluntary manslaughter
20. An attempt or conspiracy to commit a crime listed in 1 through 19
21. A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in 1 through 20.
22. A person who is required to register as a sex or violent offender in any jurisdiction
23. A child who has committed a delinquent act that would be an offense described in 1 through 20 if committed by an adult, if the child is at least 14 years of age and is charged as an adult in criminal court.